

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>MARIA SMITH,</b>	:	
<i>Plaintiff,</i>	:	<b>CIVIL ACTION</b>
	:	
v.	:	<b>No. 21-1226</b>
	:	
<b>KILOLO KIJAKAZI,<sup>1</sup> Acting,</b>	:	
<b>Commissioner of Social Security,</b>	:	
<i>Defendant.</i>	:	
	:	

**ORDER**

**AND NOW**, this **4th** day of **October, 2021**, upon careful and independent consideration of the pleadings and record herein, after review of the Report and Recommendation of Richard A. Lloret, United States Magistrate Judge (ECF No. 14), it is hereby **ORDERED**:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Plaintiff's Request for Review is **GRANTED**, and the matter is

**REMANDED** in accordance with the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of Social Security for further proceedings before a different, constitutionally appointed ALJ;

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted for Andrew Saul as Defendant. No further action need be taken to continue this suit by reason of the last sentence of 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

3. **JUDGMENT IS ENTERED** by separate document, filed contemporaneously. *See Shalala v. Shaefer*, 509 U.S. 292, 303 (1993); *Kadelski v. Sullivan*, 30 F.3d 399, 402 (3d Cir. 1994); Fed. R. Civ. P. 58(a);
4. The Clerk of Court shall mark this case **CLOSED** for all purposes including statistics.

**BY THE COURT:**

**/s/ Chad F. Kenney**

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**CHAD F. KENNEY, JUDGE**